

**EIGHTY-FOURTH GENERAL ASSEMBLY
2011 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

FEBRUARY 24, 2011

HOUSE FILE 186

H-1099

1 Amend **House File 186** as follows:
2 1. Page 1, after line 2 by inserting:
3 <NEW PARAGRAPH. 0ai. Mephedrine (4-MMC)
4 (RS)-2-methylamino-1-(4-methylphenyl)propan-1-one
5 NEW PARAGRAPH. 00ai. Methylene-
6 dioxypyrovalerone (MDPV) [(1-(1,3-
7 Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone]>
By BAUDLER of Adair

H-1099 FILED FEBRUARY 23, 2011

HOUSE FILE 268

H-1098

1 Amend **House File 268** as follows:
2 1. Page 1, by striking lines 8 through 11 and
3 inserting:
4 <2. A person who obtains a deer hunting license
5 under this section is not required to pay the wildlife
6 habitat fee but shall purchase a deer hunting license
7 and a hunting license, be otherwise qualified to hunt,
8 and pay a one dollar fee that shall be used>
9 2. Page 1, by striking lines 16 through 18 and
10 inserting:
11 <3. A person who obtains a special senior statewide
12 antlered or any sex deer hunting license under this
13 section is not eligible to obtain another antlered
14 or any sex deer hunting license for use during
15 muzzleloader or shotgun deer hunting season.>
By LUKAN of Dubuque

H-1098 FILED FEBRUARY 23, 2011

HOUSE FILE 341

H-1096

1 Amend **House File 341** as follows:
2 1. Page 1, by striking lines 1 and 2.
3 2. Title page, line 2, by striking <deleting
4 related provisions,>
5 3. By renumbering as necessary.
By HUNTER of Polk

H-1096 FILED FEBRUARY 23, 2011

SENATE FILE 209

H-1097

1 Amend Senate File 209, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 21, after line 23 by inserting:

4 <DIVISION _____
5 TAX RELIEF FUND

6 Sec. _____. Section 8.55, subsection 2, Code 2011, is
7 amended to read as follows:

8 2. a. The maximum balance of the fund is the
9 amount equal to two and one-half percent of the
10 adjusted revenue estimate for the fiscal year. If the
11 amount of moneys in the Iowa economic emergency fund is
12 equal to the maximum balance, moneys in excess of this
13 amount shall be transferred to the general tax relief
14 fund.

15 b. Notwithstanding paragraph "a", any moneys
16 in excess of the maximum balance in the economic
17 emergency fund after the distribution of the surplus
18 in the general fund of the state at the conclusion
19 of each fiscal year shall not be transferred to the
20 general tax relief fund ~~of the state~~ but shall be
21 transferred to the senior living trust fund. The
22 total amount appropriated, reverted, or transferred,
23 in the aggregate, under this paragraph, section
24 8.57, subsection 2, and any other law providing
25 for an appropriation or reversion or transfer of an
26 appropriation to the credit of the senior living trust
27 fund, for all fiscal years beginning on or after July
28 1, 2004, shall not exceed the amount specified in
29 section 8.57, subsection 2, paragraph "c".

30 Sec. _____. NEW SECTION. 8.57E Tax relief fund.

31 1. The tax relief fund is created. The fund shall
32 be separate from the general fund of the state and
33 the balance in the fund shall not be considered part
34 of the balance of the general fund of the state. The
35 moneys credited to the fund are not subject to section
36 8.33 and shall not be transferred, used, obligated,
37 appropriated, or otherwise encumbered except as
38 provided in this section.

39 2. Moneys in the tax relief fund shall only be
40 used as pursuant to appropriations made by the general
41 assembly to reduce taxes.

42 3. a. Moneys in the fund may be used for cash flow
43 purposes during a fiscal year provided that any moneys
44 so allocated are returned to the fund by the end of
45 that fiscal year.

46 b. Except as provided in section 8.58, the tax
47 relief fund shall be considered a special account for
48 the purposes of section 8.53 in determining the cash
49 position of the general fund of the state for the
50 payment of state obligations.

H-1097

1 4. Notwithstanding section 12C.7, subsection 2,
2 interest or earnings on moneys deposited in the tax
3 relief fund shall be credited to the fund.

4 Sec. _____. Section 8.58, Code 2011, is amended to
5 read as follows:

6 8.58 Exemption from automatic application.

7 1. To the extent that moneys appropriated under
8 section 8.57 do not result in moneys being credited
9 to the general fund under section 8.55, subsection
10 2, moneys appropriated under section 8.57 and moneys
11 contained in the cash reserve fund, rebuild Iowa
12 infrastructure fund, environment first fund, ~~and~~ Iowa
13 economic emergency fund, and tax relief fund shall not
14 be considered in the application of any formula, index,
15 or other statutory triggering mechanism which would
16 affect appropriations, payments, or taxation rates,
17 contrary provisions of the Code notwithstanding.

18 2. To the extent that moneys appropriated under
19 section 8.57 do not result in moneys being credited
20 to the general fund under section 8.55, subsection
21 2, moneys appropriated under section 8.57 and moneys
22 contained in the cash reserve fund, rebuild Iowa
23 infrastructure fund, environment first fund, ~~and~~ Iowa
24 economic emergency fund, and tax relief fund shall not
25 be considered by an arbitrator or in negotiations under
26 chapter 20.

27 Sec. _____. TAX RELIEF FUND ---- LEGISLATIVE
28 INTENT. It is the intent of the general assembly to
29 enact appropriations from the tax relief fund created
30 by this division of this Act pursuant to tax relief
31 legislation which shall be proposed by the standing
32 committees on ways and means of the senate and house
33 of representatives.

34 Sec. _____. EFFECTIVE DATE AND APPLICABILITY.

35 1. This division of this Act, being deemed of
36 immediate importance, takes effect upon enactment.

37 2. The amendment in this division to section
38 8.55, providing for transfer of moneys from the Iowa
39 economic emergency fund to the tax relief fund instead
40 of the general fund of the state applies to transfers
41 made from the Iowa economic emergency fund after
42 the effective date of this division and the state
43 general fund expenditure limitation calculated for the
44 fiscal year beginning July 1, 2011, shall be adjusted
45 accordingly.

46 DIVISION _____
47 STATE EMPLOYEES ---- REVENUE ESTIMATE

48 Sec. _____. GROUP HEALTH INSURANCE PREMIUM COSTS FOR
49 STATE EMPLOYEES.

50 1. The state's executive and judicial branch

1 authorities responsible for negotiating the collective
2 bargaining agreements entered into under chapter 20
3 shall engage in discussions with the applicable state
4 employee organizations to renegotiate provisions
5 involving health insurance coverage of state employees
6 and their families in order to achieve cost savings
7 for the state. The discussions shall include but are
8 not limited to a requirement for a state employee who
9 is covered by a collective bargaining agreement and
10 is a member of state group health insurance plan for
11 employees of the state established under chapter 509A
12 to pay at least one hundred dollars per month of the
13 total premium for such health plan coverage for single
14 persons or increase the amount paid per month for
15 family coverage by the same amount that would be paid
16 for the single persons coverage.

17 2. If collective bargaining agreements are
18 renegotiated to achieve cost savings pursuant to
19 subsection 1, the cost savings provisions shall
20 also apply to state employees who are not covered by
21 collective bargaining as provided in chapter 20 and
22 are members of a state group health insurance plan for
23 employees of the state established under chapter 509A.

24 3. Beginning on the effective date of this section
25 or March 1, 2011, whichever is earlier, a state
26 legislator or legislative staff member who is a member
27 of a state group health insurance plan for employees
28 of the state established under chapter 509A shall pay
29 at least one hundred dollars per month of the total
30 premium for such health care coverage for single
31 persons or increase the amount paid per month for
32 family coverage by the same amount that would be paid
33 for the single persons coverage. The payment amount
34 shall be determined by the legislative council, subject
35 to the minimum amount specified in this subsection.

36 Sec. _____. REVENUE ESTIMATING CONFERENCE
37 MEETING. Upon the request of the speaker of the
38 house of representatives or the majority leader of the
39 senate, the revenue estimating conference shall meet on
40 a date in February or March 2011, as specified in the
41 request. At this meeting, in addition to the estimates
42 normally agreed to at the meetings of the conference,
43 the conference shall also agree on estimates for fiscal
44 year 2012-2013.

45 Sec. _____. NEW SECTION. 8A.440 Group health
46 insurance premium costs.

47 1. Collective bargaining agreements entered into
48 pursuant to chapter 20 for state employees shall
49 provide that a state employee covered by that agreement
50 who is a member of a state group health insurance plan

1 for employees of the state established under chapter
2 509A shall pay at least one hundred dollars per month
3 of the total premium for such insurance for single
4 persons or increase the amount paid per month for
5 family coverage by the same amount that would be paid
6 for the single persons coverage.

7 2. A state employee not covered by a collective
8 bargaining agreement as provided in chapter 20 who
9 is a member of a state group health insurance plan
10 for employees of the state established under chapter
11 509A shall pay the same amount per month of the
12 total premium for such insurance as is paid under
13 the collective bargaining agreement that covers
14 the greatest number of state employees in the state
15 government entity employing the state employee.

16 Sec. _____. APPLICABILITY. The provision of this
17 division of this Act enacting section 8A.440, applies
18 to collective bargaining agreements entered into on or
19 after the effective date of this division of this Act.

20 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
21 of this Act, being deemed of immediate importance,
22 takes effect upon enactment.

23 DIVISION ____
24 NATURAL RESOURCES

25 Sec. _____. DEPARTMENT OF NATURAL RESOURCES ---- REAL
26 PROPERTY ACQUISITION CURTAILED.

27 1. Notwithstanding any provision to the contrary,
28 for the period beginning on the effective date of this
29 section through the close of the fiscal year ending
30 on June 30, 2011, the department of natural resources
31 shall not enter into a new arrangement to acquire or
32 otherwise control real property.

33 2. For the purposes of this section, "new
34 arrangement" means an obligation entered into on
35 or after the effective date of this section. An
36 obligation includes but is not limited to an agreement,
37 contract, lease-purchase arrangement, or any other
38 instrument leading to state ownership or control
39 of real property that was not previously owned or
40 controlled by the state. "New arrangement" does
41 not include a real property acquisition or control
42 project for which an appropriation to the department
43 was encumbered prior to the effective date of this
44 section. "New arrangement" does not include a donated
45 real property acquisition or control project received
46 or entered into on or after the effective date of this
47 section.

48 3. This section, being deemed of immediate
49 importance, takes effect upon enactment.

50 Sec. _____. 2010 Iowa Acts, chapter 1191, section 20,

1 is amended to read as follows:

2 SEC. 13. IOWA RESOURCES ENHANCEMENT AND PROTECTION
3 FUND. Notwithstanding the amount of the standing
4 appropriation from the general fund of the state to
5 the Iowa resources enhancement and protection fund as
6 provided in section 455A.18, there is appropriated from
7 the environment first fund created in section 8.57A to
8 the Iowa resources enhancement and protection fund,
9 in lieu of the appropriation made in section 455A.18,
10 for the fiscal year beginning July 1, 2010, and ending
11 June 30, 2011, the following amount, to be allocated as
12 provided in section 455A.19:

13 \$ ~~15,000,000~~
14 11,931,189

15 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
16 of this Act, being deemed of immediate importance,
17 takes effect upon enactment.

18 DIVISION ____
19 COUNTY MENTAL HEALTH
20 AND DISABILITY SERVICES

21 Sec. _____. COUNTY WAITING LISTS.

22 1. There is appropriated from the general fund of
23 the state to the department of human services for the
24 fiscal year beginning July 1, 2010, and ending June 30,
25 2011, the following amount, or so much thereof as is
26 necessary, to be used for the purposes designated:

27 To be credited to the risk pool in the property tax
28 relief fund created in chapter 426B and expended as
29 provided in this section:

30 \$ 25,000,000

31 2. The amount appropriated in this section is
32 appropriated from the risk pool to the department
33 of human services for distribution as provided in
34 this section. Notwithstanding section 8.33, moneys
35 appropriated in this section that remain unencumbered
36 or unobligated at the close of the fiscal year shall
37 not revert but shall remain available for expenditure
38 for the purposes designated until the close of the
39 succeeding fiscal year.

40 3. a. For the purposes of this section, "services
41 fund" means a county's mental health, mental
42 retardation, and developmental disabilities services
43 fund created in section 331.424A.

44 b. The risk pool board shall implement a process
45 for distribution of the amount appropriated in this
46 section to counties to be used to provide eligibility
47 for services and other support payable from the
48 counties' services funds for persons who are eligible
49 under county management plans in effect as of December
50 31, 2010, but due to insufficient funding are on a

1 waiting list for the services and other support. The
2 period addressed by the funding appropriated in this
3 section begins on or after the effective date of
4 this section and ends June 30, 2012. Of the amount
5 appropriated in this section, up to \$5,000,000 shall
6 be targeted to expand medical assistance program
7 waiver slots for those waivers for which counties pay
8 the nonfederal share of the costs. The distribution
9 allocations shall be completed on or before July 1,
10 2011.

11 c. The general assembly finds that as of the time
12 of enactment of this section, the funding appropriated
13 in this section is sufficient to eliminate the need
14 for continuing, instituting, or reinstituting waiting
15 lists during the period addressed by the appropriation.
16 However, the process implemented by the risk pool
17 board shall ensure there is adequate funding so that
18 a person made eligible for services and other support
19 from the waiting list would not be required to return
20 to the waiting list if a later projection indicates the
21 funding is insufficient to cover for the entire period
22 all individuals removed from the waiting list pursuant
23 to this section.

24 d. The funding provided in this section is intended
25 to provide necessary services for adults in need of
26 mental health, mental retardation, or developmental
27 disabilities services until improvements to the current
28 system can be developed and enacted.

29 Sec. _____. ADULT MENTAL HEALTH AND DISABILITY
30 SERVICE SYSTEM REFORM.

31 1. The general assembly finds there is need to
32 reform the adult mental health and disability services
33 system administered by counties to address the needs
34 of persons with mental illness, mental retardation, or
35 developmental disabilities. Issues with the current
36 system include the following:

37 a. Lack of a set of core services uniformly
38 available throughout the state.

39 b. Lack of uniformity in service expenditures
40 throughout the state.

41 c. Disparity in county levy rates for the services
42 funds for this system.

43 d. The need to improve the array of community-based
44 services and services to avoid the use or continued use
45 of crisis services.

46 e. The need to expand the availability of dual
47 diagnosis mental health and substance abuse services.

48 f. The need to improve the consistency of services
49 available to both youth and adult populations.

50 g. The need to address the medical assistance

1 (Medicaid) program changes in the federal Patient
2 Protection and Affordable Care Act (PPACA) that will
3 greatly expand the program's eligibility for persons in
4 the service system beginning in calendar year 2014.

5 h. Dissatisfaction with using county of legal
6 settlement determinations to determine county and state
7 financial responsibility for services.

8 2. In order to address the issues identified in
9 subsection 1, the committees on human resources,
10 appropriations, and ways and means of the senate and
11 house of representatives shall propose legislation to
12 address the following actions by the dates indicated:

13 a. Phase-in of the state fully assuming the
14 nonfederal share of the costs for Medicaid program
15 services now borne by counties by the implementation
16 date of the Medicaid eligibility changes under PPACA.

17 b. Provide property tax relief and equity by having
18 the state assume a greater role in funding the adult
19 mental health and disability services system from
20 counties by July 1, 2012, when the repeals contained in
21 this division of this Act take effect.

22 c. Shift the balance of responsibilities for the
23 services system between the state and counties so
24 that the state ensures greater uniformity and there
25 is sufficient size to develop effective services
26 while maintaining the county role of bringing local
27 resources together in unique ways that best meet the
28 needs of clients, by implementing a new services system
29 structure by July 1, 2012, when the repeals contained
30 in this division of this Act take effect.

31 Sec. _____. Section 331.424A, Code 2011, is amended
32 by adding the following new subsection:

33 NEW SUBSECTION. 6. This section is repealed July
34 1, 2012.

35 Sec. _____. Section 331.438, Code 2011, is amended by
36 adding the following new subsection:

37 NEW SUBSECTION. 5. This section is repealed July
38 1, 2012.

39 Sec. _____. Section 331.439, Code 2011, is amended by
40 adding the following new subsection:

41 NEW SUBSECTION. 10. This section is repealed July
42 1, 2012.

43 Sec. _____. Section 331.440, Code 2011, is amended by
44 adding the following new subsection:

45 NEW SUBSECTION. 7. This section is repealed July
46 1, 2012.

47 Sec. _____. NEW SECTION. 426B.6 Future repeal.

48 This chapter is repealed July 1, 2012.

49 Sec. _____. 2010 Iowa Acts, chapter 1193, section 1,
50 is amended to read as follows:

1 SECTION 1. ADULT MH/MR/DD SERVICES ALLOWED
2 GROWTH FUNDING ---- FY 2011-2012. Notwithstanding
3 section 331.439, subsection 3, the allowed growth
4 factor adjustment for county mental health, mental
5 retardation, and developmental disabilities service
6 expenditures for the fiscal year beginning July 1,
7 2011, shall be established by statute which shall be
8 enacted within thirty calendar days of the ~~convening of~~
9 ~~the Eighty-fourth General Assembly, 2011 Session, on~~
10 ~~January 10, 2011~~ date the governor's recommendation is
11 submitted to the general assembly. The governor shall
12 submit to the general assembly a recommendation for
13 such allowed growth factor adjustment and the amounts
14 of related appropriations to the general assembly
15 on or before January ~~11~~ 27, 2011. The governor's
16 recommendation and the allowed growth factor adjustment
17 enacted by the general assembly pursuant to this
18 section shall incorporate measures to ensure that
19 the funding appropriated during the 2011 legislative
20 session to the risk pool in the property tax relief
21 fund to eliminate county waiting lists for services can
22 be relied upon to remain available for the long term to
23 support the services provided for the individuals who
24 were removed from a waiting list.

25 Sec. _____. CONFORMING PROVISIONS. The legislative
26 services agency shall prepare a study bill for
27 consideration by the committees on human resources of
28 the senate and house of representatives for the 2012
29 legislative session, providing conforming Code changes
30 for implementation of the repeal provisions contained
31 in this division of this Act.

32 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
33 of this Act, being deemed of immediate importance,
34 takes effect upon enactment.

35 Sec. _____. RETROACTIVE APPLICABILITY. The provision
36 of this division of this Act amending 2010 Iowa Acts,
37 chapter 1193, section 1, applies retroactively to April
38 29, 2010.>

39 2. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS

RAECKER of Polk, Chairperson

Fiscal Note

Fiscal Services Division



HF 278 – Eluding Law Enforcement in Motor Vehicle (LSB 2201HV)
Analyst: Beth Lenstra (Phone: 515-281-6301) (beth.lenstra@legis.state.ia.us)
Fiscal Note Version – New
Requested by Representative Kurt Swaim

Description

House File 278 broadens the definition of eluding or attempting to elude a marked law enforcement vehicle. In order to be convicted under this Bill the driver must also have committed another traffic offense.

Background

Correctional and Fiscal Information

- The table below shows the number of misdemeanor convictions for the last two fiscal years per the Justice Data Warehouse.

Misdemeanor Convictions for Eluding		
	FY 2009	FY 2010
Serious Misdemeanor	168	167
Aggravated Misdemeanor	147	142
Total	315	309

- Approximately 50.0% of offenders currently convicted of a serious misdemeanor could be convicted of an aggravated misdemeanor under the provisions of this Bill.
- According to the Iowa Corrections Offender Network (ICON), approximately 62.2% of offenders under correctional supervision for serious misdemeanor eluding also had convictions for more serious offenses.
- This Bill's provisions will apply to 37.8% of offenders currently being convicted of a serious misdemeanor.
- Based on information from the Iowa Court Information System (ICIS) and ICON data, for those aggravated misdemeanants with no concurrent or consecutive felony, the probation rate is 72.5%, residential placement to an Operating While Intoxicated (OWI) facility is 5.0%, and the prison incarceration rate is 22.5%.
- According to ICIS data, the jail incarceration rate for aggravated misdemeanants is 49.3% and the average jail term imposed is 35 days. The jail incarceration rate for serious misdemeanants is 58.4% and the average jail term imposed is 56 days. The marginal cost per day for county jails is \$15.00.
- An offender convicted of a serious misdemeanor is required to pay a fine of at least \$315 but no more than \$1,875. The judge may impose imprisonment not to exceed one year. Sentences of one year or less are served in county jails.

- An offender convicted of an aggravated misdemeanor is required to pay a fine of at least \$625 but no more than \$6,250. The judge may impose imprisonment not to exceed two years. Sentences greater than one year are served in the State prisons.
- The average length of stay in prison for aggravated misdemeanants is 7.9 months. The marginal cost per day is \$16.75.
- The average length of stay in a residential facility is 4.1 months. The marginal cost per day is \$11.02. The current waiting list for placement in a Community-Based Corrections (CBC) residential facility is 788 offenders. This number includes offenders waiting in State prison, parole, probation, county jails, or the U.S. prison system.
- A serious misdemeanor sentenced to probation serves 10.8 months on average while an aggravated misdemeanor serves 19.6 months on average. The difference in the average length of stay on probation for an aggravated misdemeanor compared to a serious misdemeanor is 8.8 months. The average length of stay on parole upon release from prison for an aggravated misdemeanor is 5.6 months. The average daily cost for parole or probation is \$3.24.
- The difference in cost per case for indigent defense for an aggravated misdemeanor compared to a serious misdemeanor is \$600.
- There is minimal difference in costs to the Judicial Branch for an aggravated misdemeanor compared to a serious misdemeanor.

Minority Data Information: Approximately 40.0% of offenders convicted of serious misdemeanor eluding are African Americans.

Assumptions

Correctional and Fiscal Information

- Charge, conviction, and sentencing patterns and trends will not change over the projection period.
- Prisoner length of stay, revocation rates, and other correctional policies and practices will not change over the projection period.
- The law will become effective July 1, 2011. A lag effect of six months is assumed from the effective date to the date of first entry of affected offenders into the correctional system.
- Broadening the definition to remove the speeding requirement and adding an endangerment component may increase the number of aggravated misdemeanor convictions and decrease the number of serious misdemeanor convictions.
- Eluding may not be the most serious conviction for offenders convicted of this offense. They may receive multiple convictions for their actions where a felony may be the lead offense. To the extent that a percentage of offenders have a lead offense of a felony, this Bill will have a limited correctional impact on offenders currently convicted of the aggravated misdemeanor conviction.
- Half of the offenders convicted will be indigent.

Minority Data Information: Approximately 14.0% of Iowa's population has at least one disability. The number of disabled offenders convicted under this Bill may be 14.0%.

Summary of Impacts

Correctional Impact

There will be 84 offenders annually convicted of an aggravated misdemeanor under the Bill that are convicted of a serious misdemeanor under current law. Of these, 52 will have more serious offenses and not be impacted by the enhanced penalty for eluding imposed by this Bill. Of the remaining 32 offenders, 14 offenders will be sentenced to correctional supervision as follows: 10 to probation, 1 to OWI residential facility, and 3 to prison. The 10 offenders sentenced to probation would have received probation under current law. However, they will remain on probation for a longer period (8.8 months) than current law.

There will be 18 offenders not sentenced to prison, residential facilities, or probation. Of these, 16 offenders convicted under this Bill will receive a jail sentence. Upon release from jail they may also receive a fine or community service, or both. There will be two offenders that may receive a fine or community service, or both.

There will be two offenders admitted to prison in FY 2012, and three annually thereafter. The prison population will increase by two offenders in FY 2012, and three annually thereafter for the next five years. There will not be a significant increase in the prison population because the average length of stay is short (7.9 months).

On an annual basis, there will be three fewer admissions to county jails. Under current law, 19 serious misdemeanants are sentenced to county jails for an average length of stay of 56 days. Under the Bill, 16 of the 19 offenders will be aggravated misdemeanants sentenced to county jails for an average length of stay of 35 days. There will be a net reduction of 504 fewer days served in jail. $[(19 \text{ offenders} \times 56 \text{ days}) - (16 \text{ offenders} \times 35 \text{ days})]$.

On an annual basis, there will be one additional admission to CBC residential facilities. The offender will be released to probation upon successful completion of the residential program. Note there are currently offenders waiting to enter residential facilities.

There will be one additional admission to probation supervision annually. However, this offender will remain on correctional supervision for a longer period (8.8 months) compared to current law. There will be a slight increase in the probation population in future years because of the increased length of stay in the system.

Minority Impact

It is anticipated this Bill will have a disproportionate impact on African Americans because approximately 40.0% of offenders convicted of serious misdemeanor eluding are African Americans. To the extent the Bill shifts serious misdemeanor convictions to aggravated misdemeanor convictions, there will be an increase in the length of stay of minority offenders in the corrections system.

Fiscal Impact

The fiscal impact is estimated to be an increased cost to the State General Fund of \$11,100 in FY 2012 and \$30,100 in FY 2013. The table below shows the impact by areas within the State criminal justice system.

State General Fund Impact		
	FY 2012	FY 2013
Indigent Defense	\$ 4,800	\$ 9,600
State Prisons	6,000	18,000
CBC	300	2,500
	<u>\$ 11,100</u>	<u>\$ 30,100</u>

There will be a savings to county jail operations of approximately \$7,600 annually.

Sources

Department of Corrections
Department of Human Rights, Criminal and Juvenile Justice Planning Division
Judicial Branch
Office of the State Public Defender

/s/ Holly M. Lyons

February 23, 2011

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to [Section 2.56](#), Code of Iowa. Data used in developing this fiscal note, including correctional and minority impact information, is available from the Fiscal Services Division of the Legislative Services Agency upon request.

Fiscal Note

Fiscal Services Division



HF 302 – Bingo Sales Tax Exemption (LSB 2111HH)

Analyst: Shawn Snyder (Phone: 515-281-7799) (shawn.snyder@legis.state.ia.us)

Fiscal Note Version – New

Requested by Representative Steven F. Lukan

Description

House File 302 specifies that bingo games conducted by qualified organizations for certain charitable purposes are exempt from the sales and use tax imposed on bingo games.

Background

The Department of Inspections and Appeals (DIA) collects data from organizations including the amount of bingo gaming receipts. As of February 15, 2011, 51.0% of the annual gambling reports had been submitted to the DIA. Based on those reports, \$11.7 million of bingo gaming receipts had been reported. The DIA has indicated that the anticipated final amount of bingo gaming receipts reported for FY 2010 will total a minimum of \$14.0 million.

Assumptions

- Bingo gaming receipts will remain constant at \$14.0 million annually in future years.
- The statewide local option sales tax (LOST) rate will remain at 0.87% in future years.
- State sales/use tax will be deposited as follows: five-sixths in the General Fund and one-sixth in the Secure an Advanced Vision for Education (SAVE) Fund.

Fiscal Impact

The estimated fiscal impact of House File 302 is:

- A reduction in General Fund tax receipts totaling \$700,000 in FY 2012 and future fiscal years.
- A reduction in tax receipts for the SAVE Fund totaling \$140,000 in FY 2012 and future fiscal years.
- A statewide reduction in LOST totaling \$122,000 in FY 2012 and future fiscal years.

Sources

Department of Inspections and Appeals
LSA calculations and analysis

/s/ Holly M. Lyons

February 23, 2011

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to Code [Section 2.56](#). Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.



HF 299 – Public Utility Property, Trespassing (LSB 2001HV)

Analysts: Joseph Brandstatter (Phone: 515-281-8223) (joseph.brandstatter@legis.state.ia.us)

Beth Lenstra (Phone: 525-281-6301) (beth.lenstra@legis.state.ia.us)

Fiscal Note Version – New

Requested by Representative Kurt Swaim

Description

House File 299 provides an option for local ordinances regarding copper theft. This Bill also amends the definition of trespassing to include public utility property and provides for a Class D felony for that specific crime.

Background

Correctional and Fiscal Information

- The correctional impact permitting local copper theft ordinances cannot be determined due to a lack of data. It is not known how many local governments will implement such an ordinance.
- It is unclear what the criminal penalty may be under these ordinances. The penalty may be more or less severe than a scheduled violation.
- Under House File 299, salvage dealers are required to keep certain records. Failure to maintain those records may result in suspension or revocation of a license or permit. The Bill provides for a judicial hearing related to the suspension, revocation, or the denial of a permit.
- The average cost for a judicial proceeding is \$27 depending on whether a magistrate or district associate judge hears the case. It is not known how many cases regarding local ordinances will be heard.
- In FY 2010, there were 2,147 offenders convicted of simple misdemeanor trespass and 100 convicted of serious misdemeanor trespass. Under House File 299, a percentage of these convictions will become Class D felonies.
- Offenders convicted of a simple misdemeanor are not supervised in the correction system. They usually receive a fine, community service, or a combination of the two.
- Offenders convicted of a serious misdemeanor are required to pay a fine of at least \$315 but no more than \$1,875. The judge may impose imprisonment not to exceed one year. Sentences of one year or less are served in county jails.
- Offenders convicted of a Class D felony are required to pay a fine of at least \$750 but no more than \$7,500. The judge may impose imprisonment not to exceed five years. These sentences are served in State prisons.
- The average length of stay in prison for a serious misdemeanor is 6.4 months. The marginal cost per day is \$16.75. The average length of stay on parole for a serious misdemeanor is 5.3 months.
- The average length of stay on probation for a serious misdemeanor is 10.8 months. The average daily cost for parole or probation is \$3.24.
- The average length of stay in prison for a Class D felony is 14.6 months. The incarceration rate for a Class D felony is 28.5% for property offenses.
- The average length of stay on parole upon release from prison is 12.8 months.
- The average length of stay on probation for a Class D felony is 32.3 months.

Minority Data Information: Based on FY 2010 data where race is known, approximately 67.8% of convicted offenders were Caucasian, 21.7% were African-American, and 10.7% were other minorities.

Assumptions

- Charge, conviction, and sentencing patterns and trends will not change over the projection period.
- Prisoner length of stay, revocation rates, and other correctional policies and practices will not change over the projection period.
- The law will become effective July 1, 2011. A lag effect of six months is assumed from the effective date to the date of first entry of the affected offenders into the correctional system.
- The fiscal impact of local copper theft ordinances cannot be estimated, but is assumed to be minimal.
- Broadening the definition of trespass and enhancing the penalty for that trespass may increase the number of Class D felony convictions and decrease the number simple and serious misdemeanor convictions.

Minority Data Information: Approximately 14.0% of Iowa's population has at least one disability. The number of disabled offenders convicted under this Bill may be 14.0%.

Summary of Impacts

Correctional Impact

It is not possible to predict the number of Class D felony convictions that will occur under the provisions of the Bill. However, to the extent that convictions do occur there will be a correctional impact due to the significant increase in the average length of stay in the corrections system.

Minority Impact

To the extent the Bill shifts simple and serious misdemeanor convictions to Class D felony convictions, there will be an increase in the length of stay of minority offenders in the corrections system.

Fiscal Impact

The average State cost for one simple misdemeanor conviction ranges from \$27 (court costs) to \$327 (court costs and indigent defense).

The average State cost for one serious misdemeanor conviction ranges from \$201 (court costs) to \$5,300 (court costs including a jury, indigent defense, prison, and parole). The maximum costs will be incurred across multiple fiscal years while the offender is supervised in the correctional system, either in prison or the community.

The average State cost for one Class D felony conviction ranges from \$4,750 (court costs, indigent defense, and probation) to \$12,300 (court costs with a jury, indigent defense, prison, and parole). Costs will be incurred across multiple fiscal years while the offender is supervised in the correctional system, either in prison or the community.

The number convictions cannot be estimated under the Bill; therefore the fiscal impact is unknown. To the extent convictions do occur, State General Fund costs will increase.

Sources

Department of Corrections
Department of Human Rights, Criminal and Juvenile Justice Planning Division
Judicial Branch
Office of the State Public Defender
Iowa Utilities Board

/s/ Holly M. Lyons

February 23, 2011

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to [Section 2.56, Code of Iowa](#). Data used in developing this fiscal note, including correctional and minority impact information, is available from the Fiscal Services Division of the Legislative Services Agency upon request.
